

State Water Resources Control Board

Division of Drinking Water

July 23, 2018

Mr. Allen Thomas
Thomas Water System
3394 Drake Court
Lakeport, CA 95453

CITATION NO. 02_03_18C_018
THOMAS WATER SYSTEM
BACTERIOLOGICAL MAXIMUM CONTAMINANT LEVEL VIOLATION

Enclosed is Citation No. 02_03_18C_018 (hereinafter Citation) issued to the Thomas Water System (hereinafter System) by the State Water Resources Control Board, Division of Drinking Water (hereinafter Division) for the failure to comply with the total coliform bacteria maximum contaminant level April 2018. Please note that there are legally enforceable deadlines associated with this Citation.

The System will be billed at the State Water Resources Control Board's (hereinafter State Water Board) hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter CHSC), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to preparing, issuing, and monitoring compliance with a citation. At this time, the State Water Board has spent approximately 2 hours on enforcement activities associated with this violation.

The System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

Any person who is aggrieved by a citation, order, or decision issued under authority delegated to an officer or employee of the State Water Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4) may file a petition with the State Water Board for reconsideration of the citation, order, or decision. Appendix 1 to this enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order, or decision by the officer or employee of the State Water Board. The date of issuance is the date when the Division mails a copy of the citation, order, or

decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Lori Hanson of my staff at (707) 576-2604.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sheri K. Miller'.

Sheri K. Miller, P.E.
Mendocino District Engineer
Division of Drinking Water
State Water Resources Control Board

Enclosure

Citation No. 02_03_18C_018

c: Lake County Environmental Health Department

Duane Phelps
9453 Diamond Dust Trail
Kelseyville, CA 95451

1700730/ComplianceFile#4
02_03_18C_018/LSH

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Thomas Water System

Water System No: 1700730

Attention: Allen Thomas, Owner
3394 Drake Court
Lakeport, CA 95453

Issued: July 23, 2018

**CITATION FOR NONCOMPLIANCE WITH
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND
SECTION 64426.1, TITLE 22, OF THE CALIFORNIA CODE OF REGULATIONS
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL
April 2018**

The California Health and Safety Code (hereinafter CHSC), Section 116650 authorizes the State Water Resources Control Board (hereinafter State Water Board), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter California SDWA), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

1 The State Water Board, acting by and through its Division of Drinking Water (hereinafter
2 "Division"), and the Deputy Director for the Division, hereby issues Citation No.
3 02_03_18C_018 (hereinafter Citation), pursuant to Section 116650 of the CHSC to the
4 Thomas Water System (hereinafter System) for violation of Section 116555(a)(1) and Section
5 64426.1.

6
7 A copy of the applicable statutes and regulations are included in Appendix 1, which is
8 attached hereto and incorporated by reference.

9 10 **STATEMENT OF FACTS**

11 The Thomas Water System is classified as a transient non-community public water system
12 that serves 6 connections and a population of approximately 110. The System operates
13 under Domestic Water Supply Permit No. 02-03-13P1700730 issued on August 12, 2013.

14 The System collected one routine water sample on April 9, 2018. The sample tested
15 positive for total coliform bacteria and negative for *E. coli* bacteria. A raw source sample
16 was also collected from Well 02 on April 9, 2018. That sample tested negative for total
17 coliform bacteria and *E. coli* bacteria. Five repeat samples were collected on April 11,
18 2018. One repeat sample tested positive for total coliform and negative for *E. coli* bacteria.
19 Another raw source sample was collected from Well 02 on April 11, 2018. That sample
20 tested negative for total coliform bacteria and *E. coli* bacteria.

21
22 CHSC, Section 116555(a)(1) requires all public water systems to comply with primary
23 drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water
24 standards include maximum levels of contaminants and the monitoring and reporting
25 requirements as specified in regulations adopted by the State Water Board that pertain to
26 maximum contaminant levels.

DETERMINATIONS

The Division has determined that the Thomas Water System violated Section 64426.1, Title 22, of the CCR in April 2018. Section 64426.1, Title 22, of the CCR, states that a water supplier which collects fewer than 40 bacteriological samples a month is in violation of the total coliform maximum contaminant level (MCL) when more than one (1) distribution system sample collected during any month is total coliform positive. The Thomas Water System water system collected six (6) routine bacteriological samples in April 2018 from the distribution system. Two of the 6 samples tested positive for total coliform bacteria. Therefore, the System violated the total coliform MCL regulations contained in Section 64426.1, Title 22, of the CCR.

Under the Federal Revised Total Coliform Rule (rTCR), a water system which exceeds the current Total Coliform MCL must also conduct a Level 1 Assessment. The completed assessment must be submitted to the local regulating agency (Division of Drinking Water District Office) within 30 days of the exceedance. Failure to complete the corrective actions will be a violation of the Coliform Treatment Technique in the Federal rTCR.

DIRECTIVES

The Thomas Water System is hereby directed to take the following actions:

1. Comply with Section 64426.1, Title 22, of the California Code of Regulations in all future monitoring periods. A copy of these regulatory sections is provided in Appendix 1.
2. On or before **August 17, 2018**, notify all persons served by the System of the maximum contaminant level violation in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. A copy of these regulatory sections is provided in Appendix 1. The Public Notification Template in Appendix 2 must be used to fulfill this directive for the two methods of notification. **The System shall complete the corrective actions**

section and contacts section of the template before notifying the customers. The System shall deliver the completed notice to each customer of the water system by mail or direct delivery. In addition, a second method of notification must be chosen (see Appendix 3 - Compliance Certification). This second method must also be completed no later than **August 17, 2018**.

3. The System shall submit to the Division a completed **Level 1 Assessment** as soon as possible and no later than **August 24, 2018**. Appendix 4 – **REVISED TOTAL COLIFORM RULE (RTCR) – Level 1 Assessment** – shall be used to fulfill this directive. The Level 1 Assessment requires the System to identify a possible cause of the total coliform positive samples and to identify and describe corrective actions taken/needed.
4. The System shall complete Appendix 3: Compliance Certification. Submit completed Appendix 3, together with **proof of the two methods** of public notification, to the Division no later than **August 24, 2018**.

All documents required by this Citation shall be submitted to the Division at the following address:

State Water Resources Control Board
Division of Drinking Water - Mendocino District
50 D Street, Suite 200
Santa Rosa, CA 95404

The State Water Board reserves the right to make such modifications to this Citation, as it deems necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

1 Nothing in this Citation relieves the System of its obligation to meet the requirements of the
2 California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing
3 with Section 116270), or any regulation, standard, permit or order issued or adopted
4 thereunder.

5
6 **PARTIES BOUND**

7 This Citation shall apply to and be binding upon the System, its owners, shareholders,
8 officers, directors, agents, employees, contractors, successors, and assignees.

9
10 **SEVERABILITY**

11 The directives of this Citation are severable, and the System shall comply with each and
12 every provision thereof, notwithstanding the effectiveness of any provision.
13
14

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.



Sheri K. Miller, P.E.

July 23, 2018

Date

Mendocino District Engineer
Division of Drinking Water
State Water Resources Control Board



Appendices (4):

1. Applicable Statutes and Regulations
2. Public Notification Template
3. Compliance Certification Form
4. Level 1 Assessment

Certified Mail No. 7018 0040 0000 0180 4153

1700730/ComplianceFile#4/02_03_18C_018_1700730_MB/LSH

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 02_03_18C_018

CITATION FOR NONCOMPLIANCE WITH CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND SECTION 64426.1, TITLE 22, OF THE CALIFORNIA CODE OF REGULATIONS - TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271. Transition of CDPH duties to State Board states in relevant part

(a) The state board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The state board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the state board shall refer to the state board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

(1) The state board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the state board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken by the state board, but are not subject to reconsideration by the state board except as provided in Section 116540. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the state board, but any aggrieved person may petition the state board for reconsideration of the decision or action. This subdivision is not a limitation on the state board's authority to delegate any other powers and duties.

Section 116275. Definitions states in relevant part:

(c) "Primary drinking water standards" means:

(1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.

(2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.

(3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.

Section 116555. Operational requirements states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
 - (1) Complies with primary and secondary drinking water standards.
 - (2) Will not be subject to backflow under normal operating conditions.
 - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116577. Enforcement fee states:

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

Section 116625. Revocation and suspension of permits states:

(a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.

(b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116650. Citations states:

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116701. Petitions to Orders and Decisions states:

- (a)
 - (1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.
 - (2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.
 - (3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:
 - (A) Denial of an application for certification or accreditation under Section 100855.
 - (B) Issuance of an order directing compliance under Section 100875.
 - (C) Issuance of a citation under Section 100880.
 - (D) Assessment of a penalty under subdivision (e) of Section 100880.
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
- (c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision subject to the petition for reconsideration.
- (f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 100920.5 or 116700.

California Code of Regulations (CCR), Title 22, Section 64421 states, in relevant part:

- (a) Each water supplier shall:
 - (1) Develop a routine sample siting plan as required in section 64422;
 - (2) Collect routine, repeat and replacement samples as required in Sections 64423, 64426.1, and 64425;
 - (3) Have all samples analyzed by laboratories approved to perform those analyses by the State Board and report results as required in section 64423.1;
 - (4) Notify the State Board when there is an increase in coliform bacteria in bacteriological samples as required in section 64426; and
 - (5) Comply with the Maximum Contaminant Level as required in section 64426.1.

California Code of Regulations (CCR), Section 64424 states, in relevant part:

(d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the State Board waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:

- (1) The State Board conducts a site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.
- (2) The State Board determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with §64426.1.

California Code of Regulations (CCR), Section 64426 states, in relevant part:

- (a) Any of the following criteria shall indicate a possible significant rise in bacterial count:
 - (1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive repeat samples in the repeat sample set;
 - (2) A system has a sample which is positive for fecal coliform or E. coli; or
 - (3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in §64426.1.
- (b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:
 - (1) Contact the State Board by the end of the day on which the system is notified of the test result or the system determines that it has exceeded the MCL, unless the notification or determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board office within 24 hours; and
 - (2) Submit to the State Board information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:
 - (A) Current operating procedures that are or could potentially be related to the increase in bacterial count;
 - (B) Any interruptions in the treatment process;
 - (C) System pressure loss to less than 5 psi;
 - (D) Vandalism and/or unauthorized access to facilities;
 - (E) Physical evidence indicating bacteriological contamination of facilities;

- (F) Analytical results of any additional samples collected, including source samples;
- (G) Community illness suspected of being waterborne; and
- (H) Records of the investigation and any action taken.

California Code of Regulations (CCR), Section 64426.1 states, in relevant part:

(b) A public water system is in violation of the total coliform MCL [maximum contaminant level] when any of the following occurs:

- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

California Code of Regulations (CCR), Section 64423.1 states in relevant part:

- (a) Analytical results of all required samples collected for a system in a calendar month shall be reported to the State Board not later than the tenth day of the following month.

California Code of Regulations Section 64463.4 states, in relevant part:

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Water Resources Control Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Water Resources Control Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Water Resources Control Board's written approval based on the violation or occurrence having been resolved and the State Water Resources Control Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Water Resources Control Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Water Resources Control Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the State Water Resources Control Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the State Water Resources Control Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

California Code of Regulations (CCR), Section 64465 states in relevant part:

(a) Each public notice given pursuant to this article shall contain the following:

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;

(5) Whether alternative water supplies should be used;

(6) What actions consumers should take, including when they should seek medical help, if known;

(7) What the water system is doing to correct the violation or occurrence;

(8) When the water system expects to return to compliance or resolve the occurrence;

(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;

(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail"; and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [*compliance period dates*], we [*did not monitor or test or did not complete all monitoring or testing*] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time."

(c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:

(1) Contain information in the appropriate language(s) regarding the importance of the notice, or

(2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(d) Each public notice given pursuant to this article shall:

- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
- (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
- (3) Not contain language that minimizes or contradicts the information being given in the public notice.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

The Thomas Water System Had Levels of Bacteria in its Drinking Water Above the Allowed Standard During April 2018

Our water system collected two water samples in April 2018 that tested positive for bacteria. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What should I do?

You do not need to take any corrective actions at this time. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on regulated contaminants in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What happened?

We routinely monitor our drinking water for contaminants. We took six water samples to test our drinking water for the presence of coliform bacteria during April 2018. Two of the six samples showed the presence of this bacteria. The standard is that no more than one sample per month may test positive for bacteria. The positive samples were tested further for fecal coliform. None of the drinking water samples were found to contain fecal coliform. Our water system exceeded the maximum contaminant level allowed for total coliform bacteria, as specified in Section 64426.1, Title 22 of the California Code of Regulations (CCR).

What does this mean?

The State Water Resources Control Board, Division of Drinking Water (Division) sets drinking water standards and has determined that the presence of total coliform bacteria is a possible health concern. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria indicate the possibility of potential contamination and may originate from human, animal, or soil sources. *E. coli* bacteria can cause illness, especially in children and the elderly. If drinking water standards are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the safety of the water. In April 2018, coliform bacteria were found in more drinking water samples than is allowed by law in the Thomas Water System. This was a warning of potential problems, and it was a violation of the regulations, specifically Section 64426.1, Title 22 of the California Code of Regulations (CCR).

Has the problem been resolved? What corrective actions have been taken by the Thomas Water System to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

(*name*)

(address)

(phone number)

PUBLIC WATER SYSTEM NO. 1700730

Date: _____

APPENDIX 3 - COMPLIANCE CERTIFICATION

Citation Number: 02_03_18C_018

Name of Water System: **Thomas Water System**

System Number: **1700730**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violation of Title 22, California Code of Regulations. In addition, I certify that the Thomas Water System complied with the directives of this citation as indicated below:

Required Action	Date Completed
Public Notification – First Method (REQUIRED) <input type="checkbox"/> Complete Appendix 1, as required in Directive 2 , on page 3 of this citation. Then deliver completed notice to each customer of the water system using mail or direct delivery (attach copy of notice used for delivery).	<div></div>
Public Notification – Second Method <u>Choose one of the following:</u> <input type="checkbox"/> Publication in a local newspaper or newsletter (attach copy of published notice in newspaper); OR <input type="checkbox"/> Post notice in conspicuous locations throughout the water system including all businesses (attach photos of posted notices, give locations and dates of posting); OR <input type="checkbox"/> Post notice on the Internet or intranet (provide website address and attach printout of notice on website)	<div></div>

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED WITH ATTACHMENTS TO THE DIVISION
NO LATER THAN August 24, 2018**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT Groundwater System with Chlorination and Storage

This form is intended to assist public water systems in completing the investigation required by the federal revised Total Coliform Rule (rTCR) [effective April 1, 2016] and may be modified to take into account conditions unique to the water system. **To avoid a violation, an assessment report must be completed and returned to your local regulatory agency no later than 30 days after the trigger date.**



ADMINISTRATIVE INFORMATION

Entity Name: PWSID NUMBER:	System Type:	Name	System Address & Email	Telephone Number
Operator in Responsible Charge (ORC)				
Person that collected TC samples				
System Owner				
Certified Laboratory for Microbiological Analyses				
Date Investigation Completed:				
Month(s) of Coliform Treatment Technique Trigger:				

INVESTIGATION DETAILS

SOURCE	WELL (name)	WELL (name)	WELL (name)	WELL (name)	COMMENTS (attach additional pages if needed)
1. Inspect each well head for physical defects and report					
a. Is raw water sample tap upstream from point of disinfection?					
b. Is wellhead vent pipe screened?					
c. Is wellhead seal watertight?					
d. Is well head located in pit or is any piping from the wellhead submerged?					
e. Does the ground surface slope towards well head?					
f. Is there evidence of standing water near the wellhead?					
g. Are there any connections to the raw water piping that could be cross connections? (describe all connections in comments)					
h. Is the wellhead secured to prevent unauthorized access?					
i. To what treatment plant (name) does this well pump?					
j. How often do you take a raw water total coliform (TC) test?					
k. Provide the date and result of the last TC test at this location					

TREATMENT

	PLANT (NAME)	PLANT (NAME)	PLANT (NAME)	PLANT (NAME)	COMMENTS (attach additional pages if needed)
1. If you provide continuous chlorination, was there any equipment failure?					
a. Did this result in a loss of chlorine residual at the entry point to distribution system? If Yes, how long?					
b. Was emergency chlorination initiated? If Yes, how long?					
c. Did the distribution system lose chlorine residual?					

REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT FORM

Groundwater System with Chlorination and Storage

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TREATMENT	PLANT (NAME)	PLANT (NAME)	PLANT (NAME)	PLANT (NAME)	PLANT (NAME)	COMMENTS (attach additional pages if needed)
2. If you do not provide routine chlorination, was emergency chlorination initiated? If Yes, when?						
3. Inspect each point where disinfectant is added and report						
a. Is the disinfectant feed pump feeding disinfectant?						
b. What is the feed rate of disinfectant in ml/minute?						
c. What is the concentration of the disinfectant solution being fed? (percent or mg/l of chlorine as HOC)						
d. By what method was the concentration of solution determined? (ex: measured, manufacturer's literature)						
e. What is the age (days) of the disinfectant solution currently being used at this treatment location?						
f. What is the raw water flow rate at the point where disinfectant is added in gallons per minute?						
g. What is the total chlorine residual measured immediately downstream from the point of application?						
h. What is the free chlorine residual measured immediately downstream from the point of application?						
i. What is the contact time in minutes from the point of disinfectant application to the first customer?						

SAMPLE SITE EVALUATION (Complete for all TC+ or EC+ findings)	Routine Site TC+ or EC+	Upstream Site	Downstream Site	4th Repeat Sample (specify)
	1. What is the height of the sample tap above grade? (inches)			
2. Is the sample tap located in an exterior location or is it protected by an enclosure ?				
3. Is the sample tap threaded, have a swing arm (kitchen sink) or an aerator (sinks)?				
4. Is the sample tap in good condition, free of leaks around the stem or packing?				
5. Can the sample tap be adjusted to the point where a good laminar flow can be achieved without excessive splash?				
6. Is the sample tap and areas around the sample tap clean and dry (free of animal droppings other contaminants or spray irrigation systems)?				
7. Is the area around the sample tap free of excessive vegetation or other impediments to sample collection?				
8. Describe how the tap was treated in preparation for sample collection (ran water, swabbed with disinfectant, flamed, etc.).				

REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT FORM

Groundwater System with Chlorination and Storage

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SAMPLE SITE EVALUATION (Complete for all TC+ or EC+ findings)	Routine Site TC+ or EC+	Upstream Site	Downstream Site	4 th Repeat Sample (specify)
	9. Is this sample tap designated on the bacteriological sample siting plan (BSSP) as a routine or repeat site?			
10. Were the samples delivered to the laboratory in a cooler and within the allowable holding time?				
11. What were the weather conditions at the time of the positive sample (rainy, windy, and sunny)?				

STORAGE	TANK (name)	TANK (name)	TANK (name)	TANK (name)	COMMENTS
	1. Is each tank locked to prevent unauthorized access?				
2. Are all vents of each tank screened down-turned to prevent dust and dirt from entering the tank?					
3. Is the overflow on each tank screened?					
4. Are there any unsealed openings in the tank such as access doors, water level indicators hatches, etc.?					
5. Is the roof/cover of the tank sealed and free of any leaks?					
6. Is the tank above ground or buried?					
a. If buried or partially buried, are there provisions to direct surface water away from the site.					
b. Has the interior of the tank been inspected to identify any sanitary defects, such as root intrusion?					
7. Does the tank "float" on the distribution system or are there separate inlet and outlet lines?					
8. What is the measured chlorine residual (total/free) of the water exiting the storage tank today ?					
9. What is the volume of the storage tank in gallons?					
10. Is the tank baffled?					
11 Prior to the TC+ or EC+, what was the previous date item #1-6 were checked and documented?					

PRESSURE TANK	TANK (name)	TANK (name)	TANK (name)	TANK (name)	COMMENTS
	1. What is the volume of the pressure tank?				
2. What is the age of the pressure tank?					
3. Is the pressure tank bladder type or air compressor type?					
4. Did the pressure tank(s) deviate from normal operating pressure?					

REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT FORM

Groundwater System with Chlorination and Storage

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PRESSURE TANK	TANK (name)	TANK (name)	TANK (name)	TANK (name)	COMMENTS
5. Is the compressor pump running more often than normal?					
6. Is the tank bladder(s) is water logged?					
7. Is the tank(s) damaged, rusty, leaking, or has holes?					
8. Was there any recent work performed?					
9. Is the air relief vent (if there is one) on the pressure tank screened and facing downwards?					
10. Can the inside of the pressure tank be visually inspected thru an inspection port? If so, when was the last time it was inspected?					

DISTRIBUTION SYSTEM	SYSTEM RESPONSES	
1. What is the minimum pressure you are maintaining in the distribution system?		
2. Did pressure in the distribution system drop to less than 5 psi prior to positive bact?		
3. Has the distribution system been worked on within the last week? (taps, hydrant flushing, main breaks, mainline extensions, etc.) If yes, provide details.		
4. Are there any signs of excavations near your distribution system not under the direct control of your maintenance staff?		
5. Did you inspect your distribution system to check for mainline leaks? Do you or did you have a mainline leak?		
6. If there was a mainline leak, when was it repaired?		
7. On what date was the distribution system last flushed?		
8. Is there a written flushing procedure you can provide for our review?		
9. Do you have an active cross-connection control program?		
10. What is name & phone number of your Cross-Connection Control Program Coordinator?		
11. Have all backflow prevention devices in the distribution system been tested annually and repaired/replaced if they did not pass and retested afterwards?		
12. When was the last physical survey of the system done to identify cross-connections?		

BOOSTER STATION	Response
1. Do you have a booster pump? How many?	
2. Do you have a standby booster pump if the main pump fails?	
3. Prior to bacteriological quality problems, did your booster pump fail?	
4. Do you notice standing water, leakage at the booster station?	

GENERAL OPERATIONS:	Response
1. Has the sampler(s) who collected the samples received training on proper sampling techniques? If yes, please indicate date of last training.	

REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT FORM

Groundwater System with Chlorination and Storage

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GENERAL OPERATIONS:		Response
2.	Does the water system have a written sampling procedure and was it followed?	
3.	Were there any power outages that affected water system facilities during the 30 days prior to the TC+ or EC + findings?	
4.	Were there any main breaks, water outages, or low pressure reported in the service area from which TC+ or EC+ samples were collected?	
5.	Does the system have backup power or elevated storage?	
6.	During or soon after bacteriological quality problems, did you receive any complaints of any customers' illness suspected of being waterborne? How many?	
7.	What were the symptoms of illness if you received complaints about customers being sick?	

SUMMARY: Based on the results of your assessment and any other available information, what deficiencies do you believe to have caused the positive total coliform sample(s) within your distribution system? (DO NOT LEAVE BLANK)

Deficiency #	Deficiency Description
1.	
2.	
3.	
4.	
5.	

CORRECTIVE ACTIONS: What actions have you taken to correct the above mentioned deficiencies? If additional time is needed to correct a deficiency, indicate the date that it will be corrected. (DO NOT LEAVE BLANK)

Deficiency #	Corrective Action	Completion/Proposed Date
1.		
2.		
3.		
4.		
5.		

REVISED TOTAL COLIFORM RULE (RTCR) – LEVEL 1 ASSESSMENT FORM
Groundwater System with Chlorination and Storage

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CERTIFICATION: I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

NAME: _____ **TITLE:** _____ **DATE:** _____

Upon review of the Level 1 Assessment Form, the local regulatory agency may require submittal of the following additional information:

- Sketch of system showing all sources, all treatment and chlorination locations, storage tanks, microbiological sampling sites and general layout of the distribution system including the location of all hazardous connections such as the wastewater treatment facility.
- A set of photographs of the source, pressure tanks, and storage tanks in the system may be submitted if they would show that the contamination is directly related and changes have been made since the last inspection by the local regulatory agency.
- Name, certification level and certificate number of the Operator in Responsible Charge.
- Copy of the last cross connection survey performed that identifies the location of all unprotected cross connections.